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Chambers of Vincent L. Brattain
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILYA FELIKSOVICH IOSILEVICH,
Plaintiff,

v.

WALMART, INC., et al.,
Defendants.

4-11-23
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
4/11/23
DATE FILED: 4-11-23

**SECOND AMENDED ORDER
OF SERVICE**

22 CV 4757 (VB)

Plaintiff, proceeding *pro se* and *in forma pauperis*, brings claims under 42 U.S.C. § 1983 and state law against defendants Walmart, Inc, Joseph Negron, Kevin P. Bruen, John T. Reicherter, and Westchester County. (Doc. #2).

On November 10, 2022, the Court entered an amended order of service directing the U.S. Marshals Service (the “Marshals”) to effect service on Reicherter at the address provided by the Office of the New York Attorney General (“NYAG”), the Cortlandt Station location for the New York State Troopers. (Doc. #20). On March 28, 2023, the Marshals docketed a Return of Service Unexecuted form indicating they were unable to serve Reicherter because “Defendant no longer works at location.” (Doc. #43).

Accordingly, on March 30, 2023, the Court ordered the NYAG to file, by April 6, 2023, a letter (i) providing an updated address where Reicherter may be served, and (ii) stating whether the NYAG will accept service on behalf of Reicherter, in the interest of efficient case management and because the NYAG has already filed a motion to dismiss on Reicherter’s behalf (Doc. #44).

By letter dated April 10, 2023—four days after the Court-ordered deadline, and with no explanation for the delay—the NYAG has now provided a new address for Reicherter and states the NYAG will not, at this time, accept service on his behalf. (Doc. #45).

Accordingly, it is HEREBY ORDERED that the Clerk is instructed to fill out a U.S. Marshals Service Process Receipt and Return form for the named defendant listed in the Appendix to this Order. The Clerk is further instructed to issue a summons listing the defendant and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon the defendant. The service address for the defendant is appended to this Order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: April 11, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

APPENDIX

- 1) John T. Reicherter
New York State Troopers
Troop L Station
101 Merrick Avenue
East Meadow, NY 11554